

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

The Financial Oversight and Management Board for
Puerto Rico,

as representative of

The Commonwealth of Puerto Rico, *et al.*,

Debtors¹.

PROMESA

Title III

No. 17-BK-3283-LTS

ORDER

This matter is before the Court on *Ambac Assurance Corporation's Motion for Entry of Order Authorizing Discovery Under Bankruptcy Rule 2004 Concerning Commonwealth Assets* (Dkt. No. 9022) (the "Assets Motion"), and *Ambac Assurance Corporation's Motion for Entry of Order Authorizing Discovery Under Bankruptcy Rule 2004 Concerning Commonwealth Cash Restriction Analysis* (Dkt. No. 9023) (the "Cash Motion" and, together with the Assets Motion, the "Rule 2004 Motions"). The Court has also received and reviewed the *Joint Status Report of Movant Ambac Assurance Corporation and Respondents the Financial Oversight and*

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Management Board for Puerto Rico, as Representative of the Commonwealth of Puerto Rico, and the Puerto Rico Fiscal Agency and Financial Advisory Authority with respect to the Rule 2004 Motions (Dkt. No. 15025) (the “Joint Status Report”).

In the Joint Status Report, the Parties² represent that Ambac has served prioritized discovery requests (the Prioritized Asset Requests and the Prioritized Cash Requests) upon AAFAF and the Oversight Board. See Joint Status Report ¶¶ 6, 9. The Parties further report that, with respect to Ambac’s Prioritized Asset Requests, they continue to negotiate in good faith, AAFAF continues to investigate whether additional documents responsive to the prioritized requests exist, and AAFAF has directed Ambac to certain publicly available documents. See id. ¶ 7. With respect to Ambac’s Prioritized Cash Requests, the parties represent that while they continue to negotiate in good faith regarding certain requests, they have reached an impasse regarding three requests. See id. ¶¶ 13, 14. The Parties propose submitting an informative motion when they are prepared to schedule briefing on the unresolved issues as to which they have reached an impasse, and submitting a further status report to the Court on December 4, 2020. See id. ¶ 16.

In light of the substantial work the parties have done narrowing the issues and resolving the disputes initially presented in the Rule 2004 Motions and objections thereto identified in the briefing related to the Motion to Strike (Dkt. No. 9131), and to avoid confusion of the record, the Court requests that Ambac file a new Rule 2004 motion limited to the issues in dispute. The Court hereby ORDERS the parties to file a further status report by December 4, 2020, with a schedule for when they anticipate filing the new Rule 2004 motion. Accordingly,

² Capitalized terms not defined herein shall have the meanings given to them in the Joint Status Report.

the Rule 2004 Motions (Dkt. Nos. 9022 and 9023) are DENIED without prejudice. The joinders to the Rule 2004 Motions (Dkt. Nos. 10401, 10425, 10593, 10605, and 13414) are also DENIED without prejudice.

This Order resolves Dkt. Nos. 9022, 9023, 10401, 10425, 10593, 10605, and 13414.

SO ORDERED.

/s/ Judith Gail Dein
HONORABLE JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE

Dated: November 12, 2020